

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

01-0 -1337

**AN ORDINANCE TO EXPAND THE PEAKS AT WEST ATLANTA HOUSING ENTERPRISE ZONE
FORMERLY HILLSIDE PARK HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the expansion of The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS
FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the Northwest Drive area, location of the Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with the Northwest Drive area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone is hereby expanded. The effective date of all exemptions established therein shall be January 1, 2002. The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone shall be expired on December 31, 2011. The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone

Legal Description

All that tract or parcel of land lying in Land Lots 250 and 258 of the 17th District, Fulton County, Georgia, more particularly described as follows:

Begin at the westerly end of a right-of-way miter at the intersection of the westerly right-of-way line of James Jackson Parkway (65-foot right-of-way) and the easterly right-of-way line of Northwest Drive (40-foot right-of-way at this point); thence along said easterly right-of-way line of Northwest Drive N 32° 24' 45" W, 50.00 feet; thence continue along said right-of-way line N 31° 22' 52" W, 100.15 feet; thence continue along said right-of-way line N 24° 43' 10" W, 80.97 feet; thence continue along said right-of-way line N 27° 25' 46" W, 110.07 feet; thence leaving said right-of-way line N 57° 20' 00" E, 150.54 feet; thence N 33° 48' 27" W, 79.10 feet; thence N 34° 37' 16" W, 130.23 feet; thence S 56° 17' 52" W, 207.01 feet to the easterly right-of-way line of Northwest Drive; thence continue along said right-of-way line N 55° 54' 28" W, 240.13 feet; thence continue along said right-of-way line N 50° 08' 34" W, 33.40 feet; thence continue along said right-of-way line N 47° 01' 24" W, 99.99 feet; thence leaving said right-of-way line N 43° 29' 00" E, 420.96 feet; thence N 46° 38' 10" W, 193.82 feet; thence N 43° 00' 47" E, 403.36 feet; thence S 51° 27' 57" E, 200.00 feet; thence N 78° 32' 03" E, 95.00 feet; thence S 51° 27' 57" E, 95.00 feet; thence S 62° 52' 55" E, 442.55 feet; thence S 50° 23' 01" E, 33.29 feet to the westerly right-of-way line of James Jackson Parkway; thence along said right-of-way line S 32° 22' 43" W, 460.04 feet; thence continue along said right-of-way line S 32° 22' 39" W, 50.56 feet to a point on a curve to the left, said curve having a radius of 1,187.91 feet, a chord bearing of S 27° 00' 02" W and a chord length of 224.28 feet; thence along said curve 224.61 feet to a point of compound curve of a curve to the left, said curve having a radius of 1,156.17 feet, a chord bearing of S 12° 09' 31" W and a chord length of 384.30 feet; thence along said curve 386.09 feet to a right-of-way miter at the intersection of the westerly right-of-way line of James Jackson Parkway and the easterly right-of-way line of Northwest Drive; thence along said miter S 89° 09' 15" W, 86.44 feet to the Point of Beginning.

Said tract or parcel contains 17.425 acres, more or less.

Exhibit A

**Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone
Legal Description
New Road**

All that tract or parcel of land lying in Land Lot 258 of the 17th District, Fulton County, Georgia, more particularly described as follows:

Commence at the westerly end of a right-of-way miter at the intersection of the westerly right-of-way line of James Jackson Parkway (65-foot right-of-way) and the easterly right-of-way line of Northwest Drive (40-foot right-of-way at this point); thence along said easterly right-of-way line of Northwest Drive N 32° 24' 45" W, 50.00 feet; thence continue along said right-of-way line N 31° 22' 52" W, 100.15 feet; thence continue along said right-of-way line N 24° 43' 10" W, 80.97 feet; thence continue along said right-of-way line N 27° 25' 46" W, 110.07 feet to a point on a curve to the left, said curve having a radius of 680.89 feet, subtended by a chord bearing of N 49° 34' 21" W and a chord length of 214.77 feet; thence along said curve 215.67 feet; thence continue along said right-of-way line N 55° 54' 28" W, 240.13 feet to the Point of Beginning; thence continue along said right-of-way line N 50° 08' 34" W, 33.40 feet; thence leaving said right-of-way line N 43° 36' 15" E, 848.90 feet; thence S 48° 32' 56" E, 30.03 feet; thence S 43° 03' 52" W, 497.06 feet; thence S 43° 49' 38" W, 350.81 feet to a point on the easterly right-of-way line of Northwest Drive and the Point of Beginning.

Said tract or parcel contains 0.643 acres, more or less.

Exhibit A

**Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone
Legal Description
Tract V**

All that tract or parcel of land lying in Land Lot 258 of the 17th District, Fulton County, Georgia, more particularly described as follows:

Commence at the westerly end of a right-of-way miter at the intersection of the westerly right-of-way line of James Jackson Parkway (65-foot right-of-way) and the easterly right-of-way line of Northwest Drive (40-foot right-of-way at this point); thence along said easterly right-of-way line of Northwest Drive N 32° 24' 45" W, 50.00 feet; thence continue along said right-of-way line N 31° 22' 52" W, 100.15 feet; thence continue along said right-of-way line N 24° 43' 10" W, 80.97 feet; thence continue along said right-of-way line N 27° 25' 46" W, 110.07 feet to a point on a curve to the left, said curve having a radius of 680.89 feet, subtended by a chord bearing of N 49° 34' 21" W and a chord length of 214.77 feet; thence along said curve 215.67 feet to the Point of Beginning; thence continue along said right-of-way line N 55° 54' 28" W, 85.55 feet; thence leaving said right-of-way line N 53° 23' 41" E, 346.75 feet; thence S 35° 00' 00" E, 94.32 feet; thence S 55° 00' 00" W, 109.12 feet; thence S 56° 17' 52" W, 207.01 feet to a point on the easterly right-of-way line of Northwest Drive and the Point of Beginning.

Said tract or parcel contains 0.669 acres, more or less.

Exhibit A

Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone
Legal Description
Tract VI

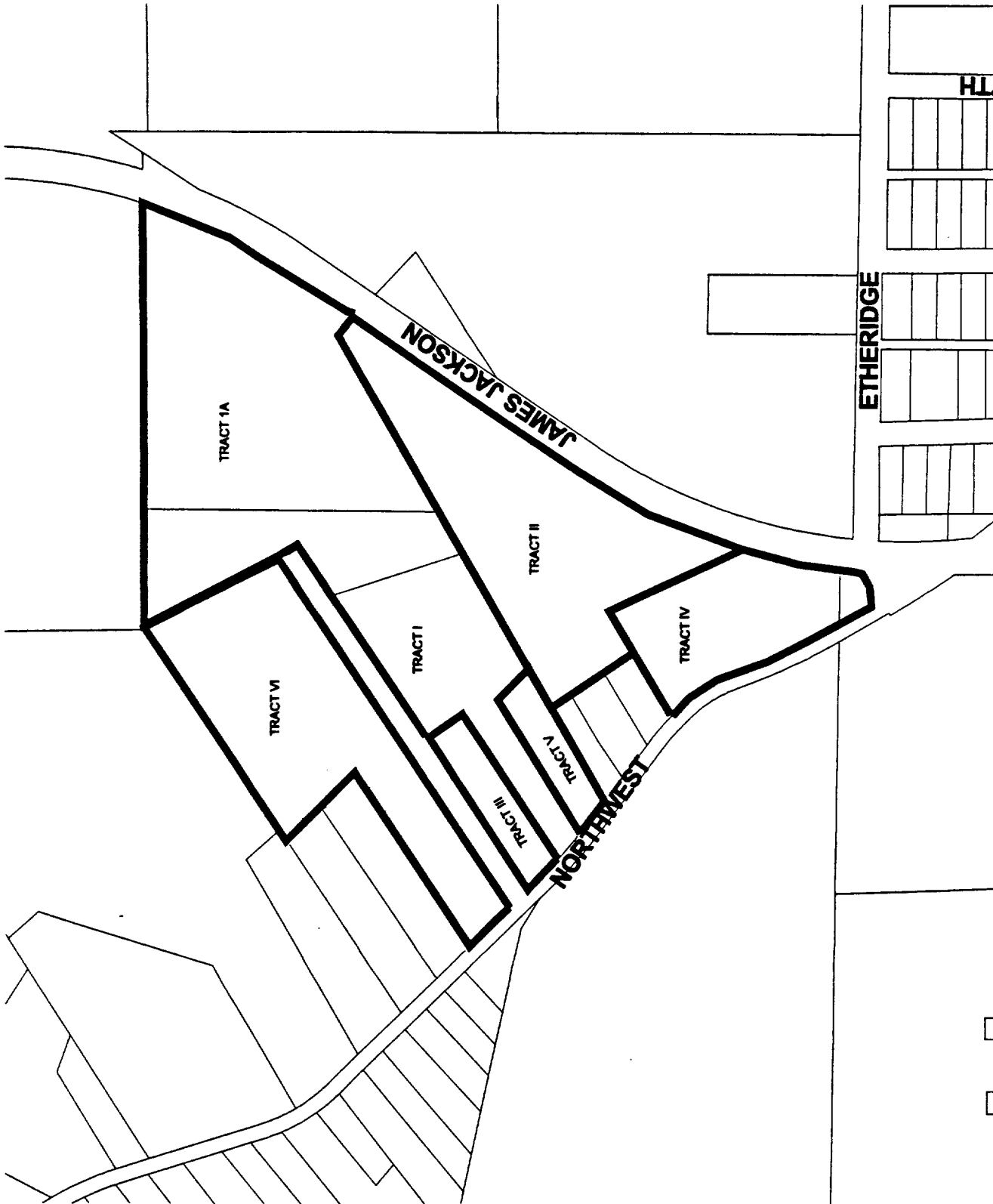
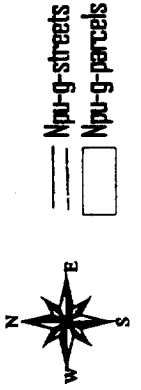
All that tract or parcel of land lying in Land Lot 258 of the 17th District, Fulton County, Georgia, more particularly described as follows:

Commence at the westerly end of a right-of-way miter at the intersection of the westerly right-of-way line of James Jackson Parkway (65-foot right-of-way) and the easterly right-of-way line of Northwest Drive (40-foot right-of-way at this point); thence along said easterly right-of-way line of Northwest Drive N 32° 24' 45" W, 50.00 feet; thence continue along said right-of-way line N 31° 22' 52" W, 100.15 feet; thence continue along said right-of-way line N 24° 43' 10" W, 80.97 feet; thence continue along said right-of-way line N 27° 25' 46" W, 110.07 feet to a point on a curve to the left, said curve having a radius of 680.89 feet, subtended by a chord bearing of N 49° 34' 21" W and a chord length of 214.77 feet; thence along said curve 215.67 feet; thence continue along said right-of-way line N 55° 54' 28" W, 240.13 feet; thence continue along said right-of-way line N 50° 08' 34" W, 33.40 feet to the Point of Beginning; thence continue along said right-of-way line N 47° 01' 24" W, 99.99 feet; thence leaving said right-of-way line N 43° 29' 00" E, 420.96 feet; thence N 46° 38' 10" W, 193.82 feet; thence N 43° 00' 47" E, 403.36 feet; thence S 51° 27' 57" E, 200.00 feet; thence S 51° 27' 50" E, 100.02 feet; thence S 43° 36' 15" W, 848.90 feet to a point on the easterly right-of-way line of Northwest Drive and the Point of Beginning.

Said tract or parcel contains 3.804 acres, more or less.

Exhibit B
Project Location Map

Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone
.....



THE PEAKS AT WEST ATL.



Exhibit C
Acknowledgement Letter

Proposed Peaks at West Atlanta formerly
Hillside Park
Housing Enterprise Zone
- - - - -

CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

BILL CAMPBELL
MAYOR

MICHAEL A. DOBBINS
Commissioner

TIM POLK
Deputy Commissioner

ROBERT C. GRAY
Director

Bureau of Planning

July 2, 2001

Chase Northcutt
Augusta Hills Apartments I Limited Partnership
c/o RHA Housing, Inc.
3060 Peachtree Road, NW - Suite 1150
Atlanta, GA 30305

Dear Mr. Northcutt:

We have received your application for designation of The Peaks at West Atlanta as a Housing Enterprise Zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit G on Thursday, July 19, 2001 at 7:00 p.m. at the Epworth United Methodist Church, located at 1561 McLendon Ave., NE. The chair of NPU - G is Mr. Jessie L. White and he can be reached at (404) 799-1831. Please be present at the NPU - G meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Tuesday, September 25, 2001 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Robert Gray at (404) 330-6328 or Sara Wade Hicks at (404) 330-6728.

Sincerely,

Robert Gray
Robert Gray

cc: Michael A. Dobbins, Commissioner
Tim Polk, Deputy Commissioner
Sara Wade Hicks, Assistant Director
Vernon Jackson, NPU-G Planner

RG/vbs

EVALUATION OF PROPOSED PEAKS AT WEST ATLANTA HOUSING ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
1. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings) d. Underdevelopment	Area must meet 3 out of 4 Criteria a. Poverty rate of $\geq 20\%$ b. Census tract job loss $\geq 10\%$ of State Average <u>4.0</u> c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity $< 20\%$ for NPU as compared to the city as a whole	a. Poverty rate of $\geq 30\%$ for CT 86.02 BG 1 b. 14% c. Vacant/Abandoned Buildings d. -26% Non-Residential Building Permits for NPU-G	√
2. Acreage	NONE	4.78 Acres	√
3. CDP Consistency	Medium Density Residential 0 – 16 Units per Acre	Medium Density Residential 8 Units per Acre	√
4. Zoning Compliance	RG-3C and RG-3	RG-3C and RG-3	√
5. Project Specificity	Project Specific Zone or $> 50\%$ of Areawide Zone	Project Specific Zone	√
6. Project Readiness	$\geq 30\%$ of Units to be Initiated in Year 1	30% of Units to be Completed in Year 1	√
7. Non-Displacement	Minimum Displacement	None	√
8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents $\leq 30\%$ of low income level, adjusted by family size. 20% must bear purchase prices $\leq \$120,340$ or 2.2 median income for the Atlanta MSA.	Seventy Five (75%) of the housing units of will be set aside for individuals whose annual income does not exceed 60% of the Atlanta Area Median Income (AMI).	√
9. Provision for Atlanta police officers and their families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability	Proposes to comply	√
10. Financial Feasibility	<u>sales</u> - affordable units $\geq 20\%$ of total without exemption, or <u>rental</u> (cumulative basis over the 1 st five years) - a. negative cash flow, or b. debt coverage ratio < 1.20 , or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified		TBD

Exhibit D Evaluation Checklist

Proposed Peaks at West Atlanta
Housing Enterprise Zone

Exhibit E

2001 HUD Income Limits/Affordability

FAMILY SIZE (% OF BASE)	INCOME ADJUSTMENT	LIVING ACOMODATIONS EXPENSES (<30%)	MAXIMUM RENTS
1 PERSON (70%)	\$27,930.00	\$8,379	\$698
2 PERSON (80%)	\$31,920.00	\$9,576	\$798
3 PERSON (90%)	\$35,910.00	\$10,773	\$898
4 PERSONS - BASE	\$39,900.00	\$11,970	\$998
5 PERSONS (108%)	\$43,092.00	\$12,928	\$1,077
6 PERSONS (116%)	\$46,284.00	\$13,885	\$1,157
7 PERSONS (124%)	\$49,476.00	\$14,843	\$1,237
8 PERSONS (132%)	\$52,668.00	\$15,800	\$1,317
Maximum Sales Price \$146,300 (2.2 Rule / 2.2 times the Median Income)			
ASSUMPTIONS: Median Income \$66,500 - SMSA Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.			

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner Signature 

Department of Planning

Director Signature 

Bureau of Planning

From: Department of Planning, Development
Neighborhood Conservation

Contact: Robert Gray

Committee(s) of Purview: Community Development / Human Resources

Committee Meeting Date (s) 9/12 CD, 9/25 Public Hearing
9/26 CD

Committee Deadline 8/31

City Council Meeting Date 9/17 & 10/1

CAPTION:

AN ORDINANCE TO EXPAND THE PEAKS AT WEST ATLANTA HOUSING ENTERPRISE ZONE FORMERLY HILLSIDE PARK HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

An application has been submitted to expand the proposed Peaks at West Atlanta Housing Enterprise Zone formerly Hillside Park Housing Enterprise Zone to be located on Northwest Drive within NPU G, Council District 9. The proposed expanded zone would be located on roughly 5 acres in the Monroe Heights neighborhood and within the Northwest Framework Plan study area. The project proposes to develop a mixed-income, multi-family community consisting of 60 newly constructed rental units. The units will be one-, two-, and three-bedrooms. Approximately 75% will be affordable to individuals whose annual income does not exceed 60% of the Atlanta Area Median Income. Total development cost of the expansion is \$4 million.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only

Received by Mayor's Office: 8/28/04

Date

Reviewed: 

Initials

Date

Submitted to Council _____

Date

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other